

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**

**ORIGINAL**

Docket No. \_\_\_\_\_  
ICC Office Use Only

PhoneCo, L.P.

Application for a certificate of local and interexchange authority to operate as a reseller and a facilities based carrier of telecommunications services in the service territories of Ameritech and Verizon in the State of Illinois

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03-0331

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ILLINOIS  
COMMERCE COMMISSION

**APPLICATION FOR CERTIFICATE TO BECOME A  
TELECOMMUNICATIONS CARRIER**

**GENERAL**

1. Applicant's Name (including d/b/a, if any) FEIN # 04-3747817  
  
PhoneCo, L.P. ("PhoneCo")  
  
Address:  
  
7900 Carpenter Freeway, Suite 201  
  
City, State and Zip Code:  
  
Dallas, Texas 75237
2. Authority Requested: (Mark all that apply) ☐ 13-403 Facilities Based Interexchange  
☒ 13-404 Resale of Local and/or Interexchange  
☒ 13-405 Facilities Based Local
3. Request for waivers/variances: In applications for local exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested.

In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting and explain why Applicant is requesting each waiver/variance.

- ☒ Part 710 Uniform System of Accounts for Telecommunications Carriers
- ☒ Part 735 Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois (with regard to 13-404 Interexchange Authority)
- ☒ Section 735.180 Directories
- ☐ Other

PhoneCo requests that the Commission waive the application of 83 Ill. Admin. Code 710 relating to the requirement to maintain records under the Uniform System of Accounts ("USOA"). PhoneCo meets the requirements of Part 710.18 for a waiver of Part 710, which in pertinent part requires that a party requesting a waiver of the USOA establish: (1) existing peculiarities or unusual circumstances which warrant a departure from the USOA reporting procedures; (2) that the Applicant's alternative reporting procedures will result in a substantially equivalent or more accurate portrayal of the Applicant's operating results or financial condition, consistent with the principals of the USOA; and (3) the use of the alternative procedure will maintain or improve uniformity in substantive results as amount telecommunications companies.

First, to require PhoneCo to maintain its accounting procedures in conformity with the requirements of the USOA would be unnecessarily burdensome and of no particular benefit to PhoneCo's customers. In addition, such a requirement would place PhoneCo at a competitive disadvantage since other new entrants have already been granted a waiver excluding them from the burden of complying with the USOA. Then, PhoneCo maintains its books and records in an accounting system that complies with Generally Accepted Accounting Principals and that will accurately reflect PhoneCo's operations. This procedure will provide for comparable reporting of PhoneCo's local service operations and will allow a meaningful review of the company's operations by the Commission. Finally, the use of Generally Accepted Accounting Principals by PhoneCo will not affect the review of telecommunications carriers by the Commission and would be consistent with the accounting procedures used by other new entrants which would allow the Commission to uniformly monitor those companies.

Additionally, PhoneCo requests that the Commission grant it a variance from the provisions of 83 Ill. Admin. Code 735.180 regarding publication of directories. It is PhoneCo's understanding that the publication of directories by a local exchange carrier is not statutorily mandated and no party will be injured by the grant of such a variance. It is PhoneCo's further understanding that this variance has been granted to other new entrants who have received 13-404 & 13-405 certificates. Thus, it would be unduly burdensome to require PhoneCo to publish its own directory. It is more efficient for PhoneCo to make arrangements with companies who are already publishing directories to include its limited customer list in their existing directories. If for any reason PhoneCo is unable to make arrangements with other directory publishers to include our customers' listings, we will publish our own directory. However, we do not anticipate encountering such a problem.

Finally, although this is not a request for a waiver or a variance, PhoneCo also requests authority to maintain its books and records outside of the state of Illinois pursuant to 83 Ill. Admin. Code 250. PhoneCo currently maintains its books and records in Dallas, Texas. It would be an economic burden upon the company to maintain its books and records in Illinois. PhoneCo will pay, upon proper invoice, any costs the Commission might incur in connection with an examination of the company's books and records at its Texas office.

4. For all applicants requesting local exchange authority under Section 13-404 or Section 13-405, please complete the following:

- (a) the Standard Questions for Applicants Seeking Local Exchange Service Authority found in Appendix A of this document
- (b) the 9-1-1 Questions for Applicants Seeking Local Exchange Service Authority found in Appendix B of this document;
- (c) the Financial Questions for Applicants Seeking Local Exchange Service Authority found in Appendix C of this document; and
- (d) if applicable, the Prepaid Service Questions for Applicants Seeking Local Exchange Service Authority found in Appendix D of this document.

The relevant appendices are attached.

5. In what area of the state does the Applicant propose to provide service?

Applicant proposes to provide service in the service territories of Ameritech Illinois and Verizon North, Inc. and Verizon South, Inc.; Applicant adopts the maps and territorial descriptions on file with the Commission for these incumbent local exchange companies.

6. Please attach a sheet designating contact persons to work with Staff on the following:

- a) issues related to processing this application
- b) consumer issues
- c) customer complaint resolution
- d) technical and service quality issues
- e) "tariff" and pricing issues
- f) 9-1-1 issues
- g) security/law enforcement

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address.

Applicant does not currently have any employees. However, anticipated key personnel who will assist in the above-referenced matters are listed in Exhibit 1. PhoneCo contact information for the individuals will be forwarded as soon as it becomes available.

7. Please check type of organization?

\_\_\_\_\_ Individual                      \_\_\_\_\_ Corporation

X Partnership

Date corporation was formed:  
In what state? Texas

8. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois.

A copy of the Certificate of Partnership is attached in Exhibit 2.

9. List jurisdictions in which Applicant is offering service(s).

PhoneCo is not currently offering service in any jurisdiction. PhoneCo was recently granted authority in Texas (SPCOA Certificate No. 65309). It was also granted authority in Michigan in Case No. U-33669.

10. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

No.

11. Have there been any complaints or judgments levied against the Applicant in any other jurisdiction?

No.

12. Has Applicant provided service under any other name?

\_\_\_\_ YES \_\_\_\_x\_\_\_\_ NO

13. Will the Applicant keep its books and records in Illinois?

No.

If NO, permission pursuant to 83 Ill. Adm Code Part 250 needs to be requested.

Permission is requested pursuant to 83 Ill. Adm. Code Part 250 for Applicant to keep its books and records at corporate headquarters located at 7900 Carpenter Freeway, Suite 201, Dallas, Texas 75237.

## MANAGERIAL

14. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of these forms.

Resumes of individuals who will be key employees are attached at Exhibit 3.

15. List officers of Applicant.

Applicant, a limited partnership, does not currently have any employees. Applicant anticipates it will hire these employees once it is ready to begin operations. Resumes of individuals who will be key employees are attached at Exhibit 3.

16. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing telecommunications services?

Yes. CEO Kenneth Weaver has a limited partnership interest in AccuTel of Texas, Inc.

17. How will Applicant bill for its service(s)? (At a minimum, describe how often the Applicant will bill for service and details of the billing statement.)

Applicant will bill monthly for its services. Billing statements will include indirect invoices to customers. Applicant agrees to comply with all relevant Illinois statutes regarding billing statements to customers.

18. How does Applicant propose to handle service, billing, and repair complaints?

(At a minimum, describe Applicant's internal process for complaint resolution, the complaint escalation process, the time frame and process by which the customer is notified by Applicant that they may seek assistance from the Commission?)

Applicant will promptly handle service, billing, and repair complaints through its customer service department. Applicant will confer with Commission staff as to the suggested time frame and process for notification that customers may seek assistance from the Commission. The suggestions of the Commission staff will be implemented.

19. Will personnel be available at Applicant's business office during regular working hours to respond to inquiries about service or billing?

Yes.

20. What telephone number(s) would a customer use to contact your company?

1-800-427-4663

21. Will Applicant abide by all Federal and State slamming and cramming laws pursuant to Section

13-902 of the Public Utilities Act and Section 258 of the 1996 Telecommunications Act?

Yes.

22. Please describe applicant's procedures to prevent slamming and cramming of customers?

PhoneCo will require all service requests to be in writing from customers.

23. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 3 Illinois Administrative Code Parts: 705, 710, 720, 725, 730, 735, 755, 756, 757, 770, and 772?

Yes; except Applicant is requesting waiver of Part 710 and Section 735.180 of Part 735.

24. Is Applicant aware that it must file tariffs prior to providing service in Illinois?

Yes.

#### **FINANCIAL**

25. Please attach evidence of Applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service.

PhoneCo is a new entity and does not have any financial statements. A letter of guaranty and the guarantor's financial statements are attached at Exhibit 4 (for which Applicant seeks proprietary treatment in its motion filed simultaneously with this application).

#### **TECHNICAL**

26. Does Applicant utilize its own equipment and/or facilities?

No.

If NO, which facility provider(s)'s services does the Applicant intend to use?

The facilities of the incumbent LEC will be used through Interconnect Agreements.

27. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, data services, local service, prepaid local service).

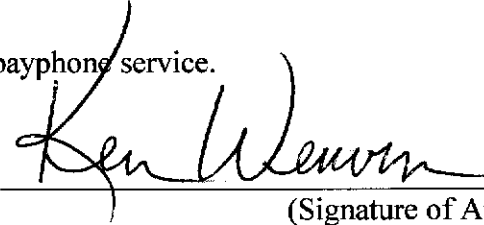
Prepaid local service through both resale and the combination of unbundled network elements(UNE-P operations) and resold long distance services.

28. Will technical personnel be available at all times to assist customers with service problems?

Yes.

29. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance, payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls?

Applicant does not intend to provide payphone service.

A handwritten signature in cursive script, appearing to read "Ken W. Wynn", written over a horizontal line.

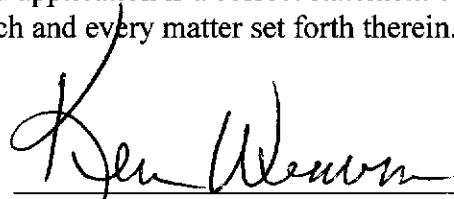
(Signature of Applicant)

## VERIFICATION

### OATH

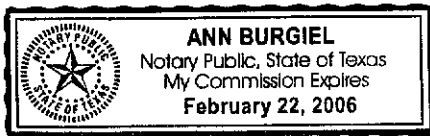
State of Texas       §  
                              §  
County of Dallas     §


Kenneth Weaver makes oath and says that he is the CEO of PhoneCo, L.P., that he has examined the foregoing application and that to the best of his knowledge, information, and belief, all statements of fact contained in the said application are true, and the said application is a correct statement of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.

  
\_\_\_\_\_  
(Signature of affiant)

Subscribed and sworn to before me, a Notary Public/\_\_\_\_\_

in the State and County above named, this the 10th day of March, 2003.



  
\_\_\_\_\_  
(Signature of person authorized to administer oath)